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Attorneys for Shameika Moody

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHAMEIKA MOODY as an individual and on behalf all of others similarly situated,

Case No.: C 07-06073 MHP

Plaintiff,
vs.

CHARMING SHOPPES OF DELAWARE,
INC., a corporation; and DOES 1 through 50,
inclusive.

Defendants

**DECLARATION OF LARRY W. LEE IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO DEFENDANT CHARMING SHOPPES OF
DELAWARE, INC.'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION
PURSUANT TO F.R.C.P. RULE 12(B)(2)**

JUDGE: HON. MARILYN HALL PATEL
DATE: FEBRUARY 11, 2008
TIME: 10:00 A.M.
COURTROOM: 15

DECLARATION OF LARRY W. LEE

I, LARRY W. LEE, declare as follows:

1. I am an individual over the age of 18. I am a California bar-admitted attorney with a private practice. My firm is the Diversity Law Group, P.C. and I am one of the attorneys of record for Plaintiff Shameika Moody. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. Attached hereto as Exhibit "C" is a copy of the complaint filed in the *Kozminski v. Charming Shoppes of Delaware, Inc. and Fashion Bug of California, Inc.* (Los Angeles Superior Court Case Number BC 292065) (the "Kozminski matter") case, which I downloaded from the Los Angeles Superior Court website.

3. Based on my review of said complaint, it seems to be a wage and hour class action against Defendant Charming Shoppes of Delaware, Inc. (“Defendant”) and Fashion Bug of California, Inc. (which is purportedly one of CSI’s subsidiaries).

4. Attached hereto as Exhibit "D" is a copy of the answer filed by Defendant in the *Kozminski* matter, which I downloaded from the Los Angeles Superior Court website.

5. Upon my review of said answer filed by Defendant, Defendant did not dispute that the California Superior Court lacked personal jurisdiction nor did Defendant raise it as an affirmative defense.

6. Rather, Defendant availed itself to the jurisdiction of the California Superior Court.

7. Based on the court records, Defendant settled the *Kozminski* case. Attached hereto as Exhibit "E" is a copy of the Stipulation for Class Action Settlement filed jointly by Defendant and plaintiff, which I downloaded from the Los Angeles Superior Court website.

8. Finally, Defendant further submitted to the continuing jurisdiction of the California Superior Court as a condition of said settlement (see Section 15.6 of Exhibit "E").

9. My primary practice is employment law. I have handled a number of wage and hour matters

1 including class actions and individual actions, on both plaintiff and defense sides. Based on such
2 experience, I have reviewed thousands of wage statements and pay stubs from a variety of employers,
3 including those that utilize payroll services such as ADP or Paychex.

4 10. Based on such experience, when employers use payroll services such as ADP or Paychex, the
5 employer's name always appear on such wage statements/pay stubs, not the name of the payroll
6 service.

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8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. Executed on this 18th day of January 2008.

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/s/
Larry W. Lee

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